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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,196	01/04/2005	Robert Johannes Sluijter	NL 020598	2706

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

COLUCCI, MICHAEL C

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,196	SLUIJTER ET AL.	
	Examiner	Art Unit	
	Michael C. Colucci	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim **** are rejected under 35 U.S.C. 102(b) as being anticipated by Levine et al "A Switched Parametric & Transform Audio Coder", (herein after Levine).

Re claims 1, 9, 11, 12-14, and 15 Levine teaches a "method of decoding an audio stream (Levine page 2 section 3 paragraph 2), the method comprising the steps of: reading an encoded audio stream (Levine page 2 section 3 paragraph 2) including sinusoidal codes comprising tracks of linked sinusoidal components (Levine page 2 section 3 paragraph 2) for each of the plurality of sequential segments (Levine page 2 Figure 1 caption), wherein each track comprises a frequency and amplitude for a sinusoidal component in a starting segment of a track, and wherein selected tracks do not include a phase (Levine page 2 section 3.1) for said starting segment; generating for said selected tracks a random start phase (Levine page 3 section 5) ; and employing said sinusoidal codes to synthesize (Levine page 2 section 3 paragraph 2) said audio signal including re-constructing (Levine page 2 section 3.1) sinusoidal components across a plurality of sequential segments (Levine page 1 section 2 paragraph 1) "

(Reading encoded information is construed to be a form of decoding or transformation of encoded information. A track is construed as an audio component. A bit rate implies that a stream of bits will be analyzed during analysis.)

Re claim 2, Levine teaches a "method according to claim 1 wherein said selected tracks include an indicator (Levine Figure 2) that no phase (Levine page 2 section 3.1) is included for said starting segment"

(An indicator is broad and construed as any type of indicator such as noise before a signal segment starts as in figure 2 demonstrating the phase difference)

Re claim 3, Levine teaches a "method according to claim 1 wherein said selected tracks are less than 5 segments (Levine page 1 section 1 paragraph 3) in length (Levine Figure 7)"

(Figure 7 shows two segments of a signal. The original signal is segmented into three separate signals.)

Re claim 4, Levine teaches a "method according to claim 1 wherein said selected tracks are less than 40ms in length (Levine page 3 section 5)"

Re claim 5, Levine teaches a "method according to claim 1 wherein said selected tracks represent non-tonal components of an audio signal (Levine page 2 figure 2 & caption)"

(One single hit of a bass drum implies a non-tonal sound because there is no change in pitch occurring)

Re claim 6, Levine teaches a "method according to claim 1 wherein said selected tracks represent a component of a voiced time interval (Levine page 1 section 1 paragraph 5) in said audio signal"

Re claim 7, Levine teaches a "method according to claim 1 wherein said selected tracks represent a component of a noisy interval (Levine page 1 section 2 paragraph 1) in said audio signal"

Re claim 8, Levine teaches a "method according to claim 1 in which each track comprises a frequency (Levine figure 1 'frequency') and amplitude (Levine figure 1 'amplitude) difference (Levine page 2 section 3 paragraph 1) for each sinusoidal component in a subsequent continuation segment of said track"

(An update in amplitude and frequency imply that there is a distinct change in the new segment)t

Re claim 10, Levine teaches a "method as claimed in claim 9 wherein said generating step comprises generating a random phase (Levine page 3 section 5) for each sinusoidal component of said selected tracks (Levine page 3 section 3.3)"

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 7:30 am - 5:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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